

## REMARKS

Applicants have carefully reviewed the Office Action mailed May 15, 2006, prior to preparing this response. Currently claims 1-37 are pending in the application, wherein claims 3, 24 and 29-37 have been withdrawn from consideration consequent an Examiner induced requirement for restriction. Claims 1, 2, 9, 21, 22, 25, 26 and 28 have been amended and claims 12-15 and 18 have been cancelled with this paper. Support for the amendments may be found in originally filed claim 18 and Figure 3, for example. No new matter has been added with these amendments. Favorable consideration of the above amendments and following remarks is respectfully requested.

Applicants take the liberty to assume claims 6 and 7 are allowable in their current form, as no rejection of these claims was made in the Office Action. If this assumption is incorrect, appropriate clarification in the form of a rejection in a resultant Office Action is respectfully requested. In the event that claims 6 and 7 are rejected in an ensuing Office Action, Applicants respectfully request that the Office Action be made non-final, such that the Applicants are afforded an opportunity to sufficiently respond to the rejection.

### Restriction/Election

Applicants hereby affirm the election to prosecute the invention of Group I and Species B, corresponding to claims 1-2, 4-23 and 25-28. In making this election, Applicants respectfully request full consideration of all withdrawn claims to non-elected species embraced by an allowable generic claim.

### Objections

The drawings are objected to under 37 CFR §1.83(a) as failing to show every feature of the invention specified in the claims. The features "wire", "coil" and "anchoring sites" are requested to be shown in the drawings or cancelled from the claims. Claims 13, 14 and 15 have been cancelled, thus obviating this objection. In cancelling these claims, Applicants do not concede the appropriateness of the objection.

The specification is objected to for apparent informalities. Appropriate amendments to the specification have been made, thus overcoming this objection. No new matter has been added with these amendments.

The claims, including claims 1 and 26, are objected to for apparent informalities. Appropriate amendments to the claims have been made, thus overcoming this objection. No new matter has been added with these amendments.

### Rejections

Claims 2, 9, 22 and 28 are rejected under 35 U.S.C. §112, second paragraph. Appropriate amendments to the claims have been made, thus overcoming this rejection. No new matter has been added with these amendments. Specifically, claims 2 and 9 have been amended to provide sufficient antecedent basis for identified features of the claims. Claim 22 has been amended to provide clarity to the claim. Support for this amendment may be found, for example, at lines 13-17 of page 1 and Figure 3. Claim 28 has been amended to indicate that the tapered region curves distally along a radius. Support for this amendment may be found, for example, at lines 13-15 of page 5.

Claims 25-28 are rejected under 35 U.S.C. §102(b) as being anticipated by Van Tassel et al., U.S. Patent No. 4,531,943. Applicants respectfully traverse this rejection. Van Tassel seems to fail to teach at least one limitation of each of the claims.

Claim 25 recites, in part, that the annular wall of the tip has a thickness that decreases distally along a majority of the length of the tip. Van Tassel seems to fail to teach at least this limitation of claim 25. As taught in Van Tassel, “the wall thickness of the portion of the tip member 24 extending beyond the end of the catheter 10 is generally constant.” Van Tassel, column 4, lines 52-55. For at least this reason, Van Tassel fails to anticipate claim 25, and withdrawal of the rejection is respectfully requested.

Claim 26 recites, in part, that the first region of the tip comprises an amorphous polymer and the second region of the tip comprises a locally crystalline section thereof. Van Tassel seems to fail to teach at least this limitation of claim 26. At no point does Van Tassel seem to teach that a distal tip may include a polymeric material having an amorphous polymeric region and a locally crystalline region distal of the amorphous polymeric region. For at least this reason, Van Tassel fails to anticipate claim 26, as well

as claims 27 and 28, which depend from claim 26. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 4, 5, 8-12, 15-18 and 20-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Van Tassel et al., U.S. Patent No. 4,531,943, in view of Nash et al., U.S. Patent No. 6,080,170. Applicants respectfully traverse this rejection, asserting a *prima facie* case of obviousness has not been established.

Claim 1 recites, in part, that the annular wall of the tip has a thickness that decreases distally along a majority of the length of the tip. Van Tassel seems to fail to teach at least this limitation of claim 1. Nash seems to fail to remedy the shortcomings of Van Tassel. Applicants assert the combination at least fails to teach each and every element of claim 1, therefore a *prima facie* case of obviousness has not been established. Claim 1, as well as claims 2, 4, 5 and 8 which depend from claim 1 and add significant additional limitations, are believed patentable over the cited combination, and withdrawal of the rejection is respectfully requested.

Claim 9 recites, in part, that the tip comprises an amorphous polymer and the distal portion of the tip comprises a locally crystalline section thereof. Van Tassel seems to fail to teach at least this limitation of claim 9. Nash seems to fail to remedy the shortcomings of Van Tassel. Applicants assert the combination at least fails to teach each and every element of claim 9, therefore a *prima facie* case of obviousness has not been established. Claim 9, as well as claims 10-12, 17 and 20-23 which depend from claim 9 and add significant additional limitations, are believed patentable over the cited combination, and withdrawal of the rejection is respectfully requested.

Claims 13, 14 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Van Tassel et al., U.S. Patent No. 4,531,943, in view of Nash et al., U.S. Patent No. 6,080,170, and further in view of Sleiman, U.S. Patent No. 4,738,659. Applicants respectfully traverse this rejection. Claims 13 and 14 have been cancelled, thus obviating the rejection of these claims. In cancelling these claims, Applicants do not concede the appropriateness of the rejection.

For the reasons stated above, claim 9, from which claim 19 depends from, is patentable over the combination of Van Tassel and Nash. Sleiman fails to remedy the shortcomings of Van Tassel and Nash. Applicants assert the cited combination at least

fails to teach each and every element of claim 19, therefore a *prima facie* case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

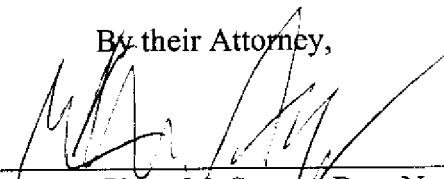
Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,

SUSAN SHELSO ET AL.

By their Attorney,

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